

EXHIBIT 23

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF
DELAWARE; STATE OF CALIFORNIA; STATE
OF COLORADO; STATE OF ARIZONA; STATE
OF CONNECTICUT; DISTRICT OF COLUMBIA,
STATE OF HAWAI'I; STATE OF ILLINOIS;
OFFICE OF THE GOVERNOR *ex rel.* Andy
Beshear, in his official capacity as Governor of the
COMMONWEALTH OF KENTUCKY; STATE OF
MAINE; COMMONWEALTH OF
MASSACHUSETTS; PEOPLE OF THE STATE OF
MICHIGAN; STATE OF MINNESOTA; STATE OF
NEVADA; STATE OF NEW JERSEY; STATE OF
NEW MEXICO; STATE OF NEW YORK; STATE
OF NORTH CAROLINA; STATE OF OREGON;
JOSH SHAPIRO, in his official capacity as
Governor of the COMMONWEALTH OF
PENNSYLVANIA; STATE OF RHODE ISLAND;
STATE OF VERMONT; STATE OF
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND
COMMUNITY SERVICE, operating as
AmeriCorps; and JENNIFER BASTRESS
TAHMASEBI, in her official capacity as Interim
Head of the Corporation for National and
Community Service;

Defendants.

Civ. No. 25-cv-01363 (DLB)

DECLARATION OF KIM LENGERT

Pursuant to 28 U.S.C. § 1746, I, Kim Lengert, hereby declare as follows:

1. I am a resident of the State of Maine. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and

belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the Maine Department of Agriculture, Conservation and Forestry (“DACF”) as the Program Manager of Ending Hunger Corps.

3. The goals of the Maine Bureau of Agriculture, located within the DACF, include ensuring a safe, wholesome, and high-quality food supply for the people of Maine. Ending Hunger Corps is located within the Bureau of Agriculture.

4. As the Program Manager of Ending Hunger Corps, I have accountability for oversight of the Federal Grant received from AmeriCorps, the Federal Agency.

5. Ending Hunger Corps was established under Maine’s legislation to end hunger, Resolves 2019, ch. 32¹ and P.L. 2021, ch. 677², to overcome the effect of poverty, particularly food insecurity, by building capacity necessary within and outside state government to facilitate greater access to resources necessary for the elimination of hunger.

6. **Administrative Role:** Ending Hunger Corps serves as the sponsor for the state-wide application of the AmeriCorps Volunteers in Service to America³ (“VISTAs”) program. In this role Ending Hunger Corps reviews proposals for placement of AmeriCorps VISTAs with Host Sites, which include non-profits, educational institutions, and government agencies in communities throughout the state. Ending Hunger Corps evaluates each Host Site based

¹ <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0848&item=3&snum=129&PID=>

² <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0127&item=5&snum=130>

³ “Founded in 1965, Volunteers in Service to America (VISTA) is an anti-poverty program designed to provide needed resources to nonprofit organizations and public agencies to increase their capacity to lift communities out of poverty. AmeriCorps VISTA provides opportunities for Americans 18 years or older from a diverse range of backgrounds to dedicate a year of full-time service with an organization (‘sponsor’) to create or expand programs designed to empower individuals and communities in overcoming poverty. The power of AmeriCorps VISTA is extraordinary, and brings talented, passionate people on board to create or enhance your anti-poverty program by expanding the capacity of your organization.” <https://americorps.gov/partner/how-it-works/american-corps-vista>, last accessed April 24, 2025.

upon its mission in addressing food insecurity, staffing to provide adequate supervision to the VISTA, and the need it is seeking to address. Once a Host Site is approved, Ending Hunger Corps provides training and technical assistance to supervisors; recruits, places, offers supplemental supervision to the VISTAs in compliance with AmeriCorps training; and functions as liaison between AmeriCorps and both Host Sites and VISTAs. Though placed at various independent Host Sites, the VISTAs maintain identity as AmeriCorps-Ending Hunger Corps through a cohort model. Ending Hunger Corps administers data reporting and VISTA care in conformance with AmeriCorps requirements.

7. Program Contributions: Within four years, AmeriCorps-Ending Hunger Corps VISTAs have made a significant positive impact on food security. To date, 151,693 individuals—including parents, children, veterans, seniors, and homeless individuals—reported greater food security due to AmeriCorps-Ending Hunger Corps VISTAs’ service. The VISTAs’ impact on other areas affecting food security are equally impactful: 24,787 students with improved academic engagement or social emotional skills; 1,691 organizations that received capacity building services; 4,950 organizations increased their efficiency, effectiveness, and/or program reach; 2,221 community volunteers recruited or managed who provided 9,468 hours of service hours; and 1,268,502 pounds of food were provided. This positive impact, achieved in partnership with twenty-seven Host Sites throughout Maine, has affected both the daily lives of these individuals and the well-being of entire communities. Additionally, Ending Hunger Corps has either met or exceeded the AmeriCorps Performance Measures for the program. State of Maine Ending Hunger Corps staff have also served as a resource to AmeriCorps and other AmeriCorps grantees on various topics, including recruitment, data collection, and emotional and benefit support of VISTAs within a program.

Ending Hunger Corps staff have also provided resources developed by Ending Hunger Corps for use by AmeriCorps in its educational materials and trainings.

8. **AmeriCorps Grant History:** In 2020, impacts of the coronavirus pandemic disrupted supply chains and slashed the incomes of millions of Americans, leading to a spike in food insecurity. In response, AmeriCorps launched its VISTA Food Security Initiative (“FSI”), and invited the State of Maine’s Ending Hunger by 2030 Initiative to become one of four pilot VISTA FSI grantees.⁴ As stated in the DACF’s 2020 application for federal assistance, the goal of the VISTA program was “developing the State’s anti-hunger metrics and supporting planning to meet them; developing educational, health, and housing programs that foster economic stability; and helping harmonize Maine’s anti-hunger efforts.”

9. Beginning with an initial program year 2021 AmeriCorps Support Grant of \$573,632.00, Ending Hunger Corps has increased its program reach through ongoing AmeriCorps support totaling \$2,004,876.00 from 2020 through July 2025 (the actual cost of the grant to AmeriCorps is dependent on the number of VISTAs recruited; thus the AmeriCorps grant numbers presented herein represent the maximum, not necessarily actual, contribution). This, combined with Maine’s budgetary contribution of \$286,711.00, has funded two full-time program staff and forty VISTAs, some of whom have served multi-year terms. The current AmeriCorps grant to Ending Hunger Corps includes a cost-share requirement, under which AmeriCorps bills Ending Hunger Corps monthly for the living stipend for two of the VISTAs. VISTAs are paid directly by AmeriCorps as a part of Ending Hunger Corps’ overall grant. Ending Hunger Corps places VISTAs with Host Sites, provides training and technical assistance for VISTAs’ supervision and collection of required data, and

⁴ The VISTA Food Security Initiative was launched by Desiree Tucker-Sorini who was appointed VISTA Director by Donald Trump and who served from September 2019 to January 2021.

monitors Host Sites for performance and compliance with grant requirements. At the inception of the AmeriCorps Ending Hunger Corps, 1 in 5 people in Maine experienced food insecurity; due to the work of Ending Hunger Corps, its partners throughout the state, and other programming, that number has been reduced to 1 in 8 people.

10. Educational and Long-Term Benefits: In addition to immediate community support, AmeriCorps members earn the Segal Education Award upon successfully completing their service. This award, in conjunction with professional development and experience received during service, is the basis for a significant majority of Ending Hunger Corps alumni either gaining a post-graduate degree immediately after service or accepting a professional position that builds food security for communities.

11. Termination of Current Grant: On Friday, April 25, 2025, at 6:28 PM, Ending Hunger Corps received an email from AmeriCorps Interim Agency Head Jennifer Bastress Tahmasebi. Among other things, the email stated that, “[e]ffective immediately, [Ending Hunger Corps’] award is being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.”

12. This termination severely diminishes the demonstrated impact of the AmeriCorps Ending Hunger Corps VISTA program in several ways.

- a. First, and foremost, the termination of AmeriCorps’ grant to Ending Hunger Corps contradicts AmeriCorps’ fundamental purpose as an anti-poverty organization. Ending Hunger Corps functions as an anti-poverty program, addressing one of the basic effects of poverty: hunger. As noted previously, 151,693 people—1,483 in the past year alone—reported greater food

security directly due to the service of Ending Hunger Corps VISTAs. The termination of this program tarnishes AmeriCorps' formation and history, and its impact upon the lives of Americans for the past six decades.

- b. Second, this termination denies access to food by those in poverty previously served by the work of AmeriCorps Ending Hunger Corps VISTAs by severely limiting or forcing the closing of the programs affected through service. Each VISTA Member serving with Ending Hunger Corps develops, improves, or expands food security programs within the state of Maine. To date, these programs have directly served 80,107 individuals, 53,906 youth, and 12,691 homeless people. The termination of the Ending Hunger Corps VISTA grant eliminates the very resource that is changing the lives of these and other people suffering from food insecurity.
- c. The termination of the AmeriCorps Ending Hunger Corps VISTA grant also affects food security organizations throughout Maine. Within the grant that was terminated were twenty-seven organizations that focus on food security, including schools, non-profits, and government programs. The work of the AmeriCorps Ending Hunger Corps VISTAs helped build the capacity of these organizations to operate food security programs serving both the communities in which they are located and throughout Maine.
- d. The termination of this AmeriCorps VISTA grant also negatively affects the VISTAs themselves. The VISTAs, who have traveled from numerous regions across the United States of America to serve with Ending Hunger Corps, have sacrificed other opportunities in order to serve this country.

Some had only begun their service year within a week of this termination; others are in the midst of their service year. All are either beginning their impact or finally starting to see the fruit of their efforts. The majority of VISTAs serving with Ending Hunger Corps have relocated to Maine. The immediacy of this termination will inevitably affect the VISTAs' contracts for housing; costs of relocation, originally supplemented by AmeriCorps, will now need to be solely borne by the VISTAs who live at poverty level; the effect on benefits of service is uncertainty or cancellation, particularly the Segal Education award, which provides funding for continued education, preferential federal hiring, and healthcare; and the devastation of the trust created between AmeriCorps and the VISTAs. This termination does not allow the VISTAs to continue the programs, which have been given no opportunity to intervene or support the VISTAs in this difficult transition, that the VISTAs had chosen, relocated for, and sacrificed their time and talents for in their desire to truly end hunger.

- e. Lastly, this termination of the AmeriCorps grant breaches the partnership established with the State of Maine. Together AmeriCorps and Maine's Ending Hunger Corps have demonstrated the positive impact which comes from the Federal program and the State working together to improve the lives of its citizens. Ending Hunger Corps VISTAs have exceeded targets in AmeriCorps Performance Measures demonstrating impact; provided to AmeriCorps new methods for VISTA care, recruitment, and data gathering; and assisted with overall program growth. In these measures and beyond,

Ending Hunger Corps has proven to be a successful example of the AmeriCorps VISTA program as recognized by two Acting Directors of AmeriCorps VISTA. The termination of the Ending Hunger Corps AmeriCorps grant negatively affects AmeriCorps as well as the residents of Maine it has served. It affects program staff, who are paid through the grant, and portends an ominous future for hunger among the people of Maine .

13. Material Effects of the Grant Termination: The following data and information illustrate just how devastating the termination is of the grant to Ending Hunger Corps.

- a. Under the terms of the grant agreement between AmeriCorps and Ending Hunger Corps, Ending Hunger Corps agreed to pay to AmeriCorps (also referred to as the “Corporation for National and Community Service,” abbreviated as “CNCS”) the equivalence of two VISTA living stipends, each being \$23,429.03, totaling \$46,858.06. This money was encumbered by Ending Hunger Corps as solely designed for this purpose. The termination of the grant by AmeriCorps does not affect the encumbrance, therefore preventing the unpaid balance of these funds from being used for any other purpose, and thus a loss to Ending Hunger Corps.
- b. Due to the termination of the grant by AmeriCorps prior to its completion of term, a remainder of \$19,325.28 of grant funds remain unpaid to Ending Hunger Corps. These grant funds were originally issued to create and pay two program staff, 40% of the Program Manager salary package and 100% of the Program Coordinator position. These positions, which are responsible for program development and operations, including care of the

VISTAs, are facing termination due to lack of funding. Further, the absence of these positions will cause the total closure of the Ending Hunger Corps program and the end to the impact that AmeriCorps had previously celebrated and used as a resource.

c. The wording of AmeriCorps' grant termination letter received by Ending Hunger Corps, similar to the "cease and desist" letter received by VISTAs, is unclear regarding the mechanisms available to Ending Hunger Corps to actually close its financial or functional relationship with AmeriCorps. This ambiguity is due to several reasons:

- i. Though the program has operated under AmeriCorps' terms for use of grant funds, there is no descriptive language in the termination letter as to use of grant funds for the costs of closure, e.g., payment of program staff due to union-negotiated or class-specification requirements prior to termination, leaving Maine potentially financially responsible for AmeriCorps' actions.
- ii. The letter states all actions under the grant must stop immediately, but under AmeriCorps policy the program staff bear responsibility for VISTA care: if all actions must stop, the lack of action itself is a violation of the initial agreement between AmeriCorps and Ending Hunger Corps. Yet if program staff previously paid under the AmeriCorps grant complete these AmeriCorps policy requirements, there is no provision within the termination letter to draw funds from the grant for any program activity, including that required by

established AmeriCorps procedures, after the date of the letter. To continue to follow agreed-upon AmeriCorps responsibilities would require funding to become the responsibility of the State of Maine, which, due to the grant from AmeriCorps, resulted in no funds to be budgeted for this purpose. Because the termination letter does not provide this information, program staff are left in a situation with no functional resolution.

- d. On April 28, 2025, I learned that AmeriCorps emailed the VISTAs for the Ending Hunger Corps after the close of business and informed the VISTAs that they had been removed from the Ending Hunger Corps project and were placed in administrative hold status for a period up to 30 days. The VISTAs were told that they will continue to receive their regular living allowances while in administrative hold status but were directed not to report back to their respective AmeriCorps VISTA projects or participate in any project-related activity.
- e. The cancellation of the AmeriCorps grant will cause several programs to be terminated due to lack of funds and/or withdrawal of AmeriCorps members, including but not limited to, these VISTA service projects:
 - i. The Local Food Access VISTA, which addresses food insecurity in the community by fostering resilience in our local food system and supporting local food producers. The Local Food Access VISTA expands the impact and reach of Foothills Foodworks, a collaborative project dedicated to food security, education, and the

local food economy in Maine's Foothills Region. This is achieved by developing strategies to enhance volunteer training, supporting youth engagement in food preparation, bolstering free and affordable meal distribution, and securing funding to ensure the program's long-term sustainability.

- ii. The Kids' Kitchen VISTA, which increases the Alford Youth & Community Center's Kids' Kitchen Program capacity in order to help meet the objectives of Maine's Roadmap to End Hunger by 2030 ("the Roadmap"), which are to eradicate very low food insecurity and decrease the rate of low food insecurity to 4%. The VISTA member supports to the objectives of the Roadmap by collecting and analyzing data on Kids' Kitchen, recruiting volunteers and building community partnerships, and developing resources by writing grants, working on fundraising campaigns, and organizing events.
- iii. The VISTA Community Coordinator, which connects the many facets of the continually growing Bethel Exchange and Food Pantry by building relationships with our constituents, communicating their story through development of a social media campaign creating a sustainable volunteer network, and researching innovative ways to introduce a capital fundraising campaign.
- iv. The CourageLIVES VISTA, which addresses food security for individuals impacted by human trafficking, exploitation, and other

forms of related violence. This VISTA bolsters individual and family food security, enabling clients to have more stable day-to-day functioning, ability to work, make other necessary life decisions, and not have to make the forced choice of having a meal or going without food. The VISTA builds capacity by increasing access to the Empowerment Pantry, fresh produce through a Community Garden, and overall program resources through development of a collaborative social media campaign.

- v. The Cumberland County Emergency Food VISTA, which researches shelter feeding and commodity distribution methods, developing a plan for Cumberland County, and creates volunteer training programs. This VISTA project aids all of Cumberland County, including visitors, in times of disaster, and ensures that all individuals, regardless of socioeconomic status, are able to have access to food during a disaster. Capacity to conduct mass feeding in Cumberland County will be built through research and planning. The VISTA creates a plan, or section of a plan, for both commodity distribution and shelter feeding, as well as volunteer training materials.
- vi. The Collaboration & Resource VISTA, which will build the capacity of Ending Hunger Corps, a fundamental part of the Roadmap, is creating a comprehensive statewide food security map that will enable additional capacity-building opportunities, increased

collaborative work, and greater access to resources for Mainers experiencing food insecurity.

vii. The Child Nutrition VISTA, which increases knowledge of healthy nutrition and awareness of essential programs, increasing access for more children, helping to lower a family's grocery bill while also providing opportunities to engage with families and their communities. This VISTA has a vital role in strengthening afterschool and summer nutrition programs through research, outreach and engagement with the community. The VISTA would work in the Greater Brunswick area to support food insecure individuals and households. The VISTA would build the capacity of programming through evaluation, expansions in partnership with local hospitals, and volunteer recruitment and training. The VISTA would also provide resources to community members through SNAP enrollment and education as well as recipe and healthy eating guides building client capacity to better support themselves and their families.

viii. The above-listed examples highlight the impact caused by the cancellation of the AmeriCorps grant, which will affect 15 specific organizations and multiple programs doing this impactful work to create greater food security for the people of Maine.

14. In addition to the termination of the existing grant, Ending Hunger Corps is in process, at the invitation of AmeriCorps prior to the grant termination, to apply for a continuing

grant to follow the current grant. While this was in process Ending Hunger Corps learned that the AmeriCorps agency was being dismantled by the so-called “Department of Government Efficiency” through massive staff reduction. Not only will the termination of the existing grant be devastating to the Ending Hunger Corps and the State of Maine but so too will the decimation of AmeriCorps and its ability to process the continuing grant application. Crucially, Ending Hunger Corps cannot get anyone at the AmeriCorps regional office to answer the phone, despite the fact that there is a deadline to complete this process. (The AmeriCorps contact for Ending Hunger Corps was laid off.) There is a dissonance between the invitation to continue the grant and the subsequent termination communication, particularly where the termination communication says nothing about the invitation issued by AmeriCorps to Ending Hunger Corps for Ending Hunger Corps to continue its grant.

15. Anticipated Impact for FY25 Due to Loss of Federal Agency Staff: The current staff reduction due to imposed administrative leave—reported at a recent State Commission briefing as 85%—of the AmeriCorps Agency staff is anticipated to have profound and deleterious effects, including:

- a. **Delayed Grant Reviews:** A drastic reduction in staffing has directly impaired AmeriCorps’ capacity to review and process grant applications in a timely manner. On information and belief, I understand there is currently no one in Northeast Regional Office of AmeriCorps. Currently, we have no process by which to contact the person who was the assigned regional Program Manager who has reviewed our reports, offered guidance, issued the invitation to continue the AmeriCorps grant, and would be part of the review of the grant continuation application, thus removing any frame of

reference in the grant review process. Further, given the timing requirements of the processes required to ensure compliance and quality in the grant application review process, delays in grant reviews will likely require greater processing time. Given the termination of the existing grant, this creates even more uncertainty for the Ending Hunger Corps and its VISTAs.

16. Conclusion: It is my firm declaration that the termination of the AmeriCorps grant to Ending Hunger Corps and the reduction in AmeriCorps Federal Agency staffing presents a serious threat to the operational integrity of previously granted funding and timely execution of FY25 funding initiatives to which Ending Hunger Corps had already been invited to participate. The lack of granted funding and potential delays in grant reviews and program awards will have a devastating impact on Maine's communities and the individuals dedicated to service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2025.

/s/*

Kim Lengert

*A copy of the signature page bearing an original signature is attached hereto.

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Executed on May 5, 2025.

A handwritten signature in black ink, appearing to read 'Kim Lengert', is written over a horizontal line.

Kim Lengert